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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISA GARVEY, individually and on
behalf of all others similarly situated,

No. C 11-02575 WHA

Plaintiff,

v.

KMART CORPORATION,

Defendant.

**ORDER RE DEFENDANT'S
LETTER OF OCTOBER 16, 2012**

The letter dated October 16 does not raise a discovery issue. Instead, it raises disclosure issues. These will be addressed at the final pretrial conference. If plaintiff's counsel have committed as many disclosure violations as alleged in the letter, then the Court will consider decertifying the class. This order makes no finding one way or the other whether any such disclosure violations have occurred, but both sides should be prepared to address the issues at the final pretrial conference by way of formal motions.

Class notices should have been mailed two months ago. The deadline for opting out of the class was last month. By **NOON ON OCTOBER 19**, the parties shall file a joint statement on the status of the class, a list of all class members, and all requests to opt out, if any.

IT IS SO ORDERED.

Dated: October 16, 2012.

Wm. Alsup
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE